

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ROBERT L. MARTIN

PLAINTIFF

v.

CIVIL ACTION NO. 5:18-cv-73-DCB-MTP

IBM CORPORATE HEADQUARTERS, ET AL.

DEFENDANTS

ORDER

THIS MATTER is before the Court on Plaintiff's correspondence [4], which the Court construes as a motion for an extension of time to serve process. On July 5, 2018, Plaintiff filed this action, but failed to serve the Defendants within ninety days as required by Fed. R. Civ. P. 4(m). Accordingly, on October 11, 2018, the Court entered an Order [3], directing Plaintiff to serve Defendants on or before November 12, 2018. The Court warned Plaintiff that this action could be dismissed if he did not complete service by that date.

Plaintiff failed to serve any Defendant by November 12, 2018. Instead, on November 27, 2018, Plaintiff filed the letter [4] at issue.¹ Plaintiff states that additional time is needed because he has not retained an attorney. The Court does not consider this good cause for an extension, and Plaintiff must serve Defendants whether or not he is represented by counsel. Nevertheless, the Court will grant Plaintiff a final brief extension of time to serve process.

IT IS, THEREFORE, ORDERED that:

1. On or before December 14, 2018, Plaintiff must properly serve Defendants and must file the proof of service by the server's affidavit pursuant to Rule 4(l).

¹ Along with the letter, Plaintiff filed a document which he entitled a "motion." However, Plaintiff did not sign the "motion," but placed the undersigned's electronic signature on the document. Plaintiff shall not affix the undersigned's signature or that of any Judge of this Court to any document or future filing.

2. If service is not perfected and proof thereof filed with the Court by December 14, 2018, the case may be dismissed without prejudice pursuant to Rule 4(m) and without further notice.

SO ORDERED this the 29th day of November, 2018.

s/Michael T. Parker
UNITED STATES MAGISTRATE JUDGE